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SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 March 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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85. Mr. RYDER (International Confederation of Free Trade Unions) said that migration was appearing with increasing frequency as a topic for discussion in international forums but not always in the context that trade unions would wish. Widespread poverty and underdevelopment in many parts of the world, together with processes of rapid and difficult transition as a result of revolutionary political change and civil conflict, had led to substantially increased migrationary pressures which were widely perceived as a threat in the likely receiving countries. Regrettably, that growing concern had not generally been accompanied by any corresponding commitment to improve the conditions of migrant workers.

86. It was in that context that the failure of any Government to ratify the new International Convention had to be judged. The suspicion that it was the lack of genuine political commitment to the protection of migrant workers' rights that was preventing Governments from doing so was reinforced by the generally low level of ratification of the relevant instruments of the International Labour Organisation.

87. It was difficult to avoid the conclusion that the commitment of Governments to the protection of migrant workers' rights had evolved unfavourably and in close correlation with labour supply requirements. Attempts by host Governments to escape any but the most minimal responsibility for the rights and welfare of those whose labour they sought reflected an increasing readiness to reduce migrant labour to the status of a commodity. It was that tendency that required a concerted response from the international community, a response that it had as yet been unable to mount.

88. Targeted action, including increased aid, should be a central plank of international action aimed at tackling the poverty and penury of employment opportunities that generally characterized the sender countries. That did not mean that the existence of absolute poverty in sender countries justified substandard treatment in receiving countries. Such views opened the way to the institutionalized division of societies, in which a growing gulf would appear between so-called citizens' rights and the rights that might or might not be accorded to migrants, who would increasingly take on the characteristics of a permanent underclass.

89. One year previously, at the height of the Gulf crisis, his organization had brought to the attention of the Commission the plight of hundreds of thousands of migrant workers displaced as a result of that conflict, and had argued strongly for the need for them to receive immediate humanitarian assistance and subsequently proper and objective settlement of their legitimate claims. The international response to those needs had not been anywhere near adequate and the compensation fund administered by the United Nations remained without resources.

90. However, what was even more disturbing was the readiness of the international community to countenance the return of the status quo with regard to migrant workers in the Gulf region. Migrants were being recruited to rebuild Kuwait in the same material circumstances as before the events of the previous 18 months. In such circumstances, they remained the forgotten

The meeting was called to order at 10.30 a.m.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 21) (E/CN.4/1992/53)

1. Mr. WALKER (Australia), Chairman/Rapporteur of the Working Group, introducing the report of the Working Group on its seventh session (E/CN.4/1992/53), recalled that its mandate was directed at the more effective realization of rights already recognized or implicit in existing international instruments. The draft declaration addressed itself particularly to the case of individuals and groups working to promote and protect human rights, those who were sometimes known as "human rights defenders".

2. That endeavour had had its initiatory stimulus in particular historical circumstances which no longer existed. However, the persecution and dangers faced by human rights defenders in many parts of the world remained an urgent preoccupation. The declaration was intended to be in many ways the charter of the human rights defenders. In his own opinion, the work of the Commission on the draft declaration was a humble salute to the courage of and an acknowledgement of the debt owed to those individuals and groups that were working for the same objectives as the Commission, in many cases risking, and all too often suffering, all kinds of discrimination, mistreatment and even death.

3. He was happy to report that the efforts of the Working Group were close to bearing fruit. Most of the members of the Working Group had sponsored a draft resolution requesting the Secretariat to distribute the report, including a first reading text, together with a technical review to be prepared by the Secretariat, to all States and to all interested organizations, both international and non-governmental. The draft resolution would also recommend that the Economic and Social Council be requested to provide two weeks for the Group to complete a second reading of the text so that the draft declaration could be submitted to the Commission at its forty-ninth session.

4. It was his hope that the Commission would endorse the draft at its next session and transmit it to the Council, that the latter would recommend it to the General Assembly and that the General Assembly would adopt it at its forty-eighth session.

5. As in previous years, the deliberations of the Working Group had been laborious, and some delegations had sought to protect not the rights of human rights defenders but the rights and individuals' duties towards the collectivities in which they found themselves and, in some cases, the Governments to which they were subject. As a consequence, the first reading text was not a "clean" text, free from square brackets. On the contrary, it included competing proposals and did not determine the order of paragraphs in the preamble and in two of the chapters.

6. He stressed that the competing textual proposals were an integral part of the first reading text. They were presented on odd-numbered pages of the annex. The complete text presented on the even-numbered pages was acceptable as drafted to most of the participants in the Working Group; consequently, it contained square brackets indicating where one or more delegations had either reserved their position or favoured deletion or alternative wording.

7. As in the two previous years, two issues had been most hotly contested. First, recognition of the rights of individuals, groups and associations to solicit, receive and utilize voluntary financial and other contributions for the sole purpose of promoting and protecting human rights and fundamental freedoms. A number of delegations had favoured language which others saw as opening risks that Governments might appear to have a right to interfere with the receipt or use of such contributions from abroad.

8. Secondly, definition of the responsibilities of individuals towards the community of which they formed a part or within which they found themselves. There again, language which some delegations had wanted to see included in the declaration to protect the collectivity had been regarded by others as inimical to the protection of the rights of human rights defenders.

9. Perhaps the technical review to be prepared by the Secretariat would confirm which approach was closest in spirit to the existing body of international human rights law.

10. At the next session of the Working Group, decisions would have to be taken on those and other outstanding matters, as well as any other issues raised during the second reading.

11. In conclusion, he expressed the thanks of the Working Group and his personal thanks to all those who had contributed to their common achievement.

12. Mr. DAVIS (United States of America) said that the paramount role of committed individuals and of non-governmental organizations which advocated the full implementation and realization of fundamental human rights could not be overstated.

13. The Commission's Working Group drafting a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (also known as the human rights defenders' declaration) had completed its work on 24 January 1992. That work had progressed very slowly, partly because the issues were difficult but also because a very few Governments had made sustained efforts to delay or even prevent effective action to protect human rights defenders.

14. The vast majority of human rights victims were unaware of the existence of the Commission. They were, however, keenly aware of those human rights advocates who had educated or inspired them to insist upon their rights.

The adoption of the declaration would have a profound impact on the ability of those advocates to accomplish their task. The protection of human rights depended on those defenders. Each time one was killed, tortured or imprisoned, the world became a lesser place.

15. There were numerous examples which could be cited to demonstrate the abuses often suffered by those courageous people. The ongoing detention of Daw Aung San Suu Kyi in Myanmar was symbolic of the blatant disregard for human rights and the victimization of human rights defenders.

16. The Commission should act to help to defend those who had shown such courage in the defence of human rights. It should see that the text of the human rights defenders' declaration, as approved at first reading, was promptly circulated to Governments for their comments. It should then give the Working Group a specific period for its second reading of the text so that it could be adopted by the Commission. The brave men and women who were the real human rights defenders deserved no less.

ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (agenda item 23) (continued) (E/CN.4/1992/56 and Add.1-5)

17. The CHAIRMAN invited the members of the Commission to indicate their choice, the number of members nominated not exceeding the number of available places, i.e. one member.

18. At the invitation of the Chairman, Mrs. Galvis (Colombia), Rapporteur, acted as teller.

19. A vote was taken by secret ballot.

Number of ballot papers:	49
Invalid ballots:	3
Number of valid ballots:	46
Abstentions:	None
Required majority:	27
Number of votes obtained:	
Ms. Michalska	16
Mr. Boutkevitch	16
Mr. Biro	14

20. The CHAIRMAN said that, since no candidate had secured the required majority, a second vote would be taken at the morning meeting of the Commission on the following day.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1992/49, 50 and Add.1, 51 and 69; E/CN.4/1992/NGO/20 and 36)

21. Ms. GARCIA (Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM)) said her organization was most disappointed that the Commission had once again decided to give a vote of confidence to the Government of Guatemala despite the fact that, for years, thousands of mothers and other relatives had been fruitlessly seeking information concerning disappeared detainees.

22. Despite their pain and anguish, they had been willing to enter into a dialogue with the Government to find a solution to the problem. Eight years previously, GAM, the Guatemalan association member of FEDEFAM, had called for the establishment of a commission to investigate the cases of missing persons. However, the so-called Commission that had been set up was nothing more than the Office of the Procurator for Human Rights, an organ which had previously existed. The military and civilian perpetrators of enforced disappearance, summary executions, massacres and tortures enjoyed complete immunity.

23. Despite the promises of the Commission on Human Rights, nothing tangible had been done to resolve the problem of the 43,000 Guatemalan citizens who had sought refuge in Mexico. Meanwhile, the leaders of humanitarian and grass-roots organizations continued to receive threats.

24. In view of those circumstances, FEDEFAM considered that the Commission should continue to monitor the situation of human rights in Guatemala, appoint a special rapporteur and review the situation under item 12 of its agenda.

25. FEDEFAM was also alarmed at the new situation of violence, terror and repression that had followed the coup d'état in September 1991 in Haiti. It should be pointed out that, from the outset, the democratically elected Government had not enjoyed the support of minority sectors of the population and that certain States had supported the interests of those groups.

26. Every effort had been made to create difficult situations for the new Government. In 1991, the Government of the Dominican Republic had expelled all Haitians aged over 60 or under 16, in violation of international agreements. The new Government had also been carefully scrutinized by the opposition, which had qualified even street brawls as violations of human rights. The object of that process had been to sharpen social conflicts so as to provoke a reaction that would nullify the will of the people.

27. Following the coup d'état, massive violations of human rights had taken place. Hundreds of families fleeing the terrorism that had been unleashed against them by the perpetrators of the coup d'état had sought refuge in the provinces. Voices of protest had been stifled through rigid control of the radio stations, television and the newspapers.

28. Her organization rejected the campaign of disinformation which sought to portray the Government of President Aristide as a violator of human rights. It was no surprise that Christian Democrat International had joined that

campaign since, for years, it had remained silent when the deposed President, as a simple priest in the service of his people, had been the victim of at least eight attempts on his life. It had not supported his work for street children nor had it raised its voice on behalf of the boat people who had been drowned in their attempts to escape the terror.

29. The international community must show its solidarity by supporting the return of the legitimate Government of Haiti without conditions which were unacceptable or which would make it impossible to pursue the reforms already begun for the benefit of the majority of the people of Haiti. It should also honour the agreements to give asylum to Haitians fleeing from the terror and put an end to the discrimination that had been practised in the past and was still being practised. Lastly, the situation in the country should be kept under review until democracy and the rule of law had been restored.

30. Turning to the question of the technical assistance and advisory services provided by the Commission and the Centre for Human Rights to countries and non-governmental organizations, FEDEFAM took the view that greater importance should be attached to technical assistance rather than to training and education. Moreover, such assistance should benefit non-governmental organizations to a greater extent.

31. While the purpose of FEDEFAM was to find disappeared relatives alive, it had been unable to ignore the cruel reality of mass graves containing thousands of corpses. Without any technical advice, it had carried out research to identify clandestine cemeteries. It had promoted the training of groups in forensic anthropology and was currently receiving assistance from the Argentine forensic anthropology team (EAFF) and from the Chilean forensic anthropology group (GAF). FEDEFAM called upon the Commission to provide greater support to those organizations that were directly affected by violations of human rights.

32. Mr. MOURORO (Observer for Morocco), speaking in exercise of the right of reply, said that he had listened with astonishment to the comments concerning his country made on the previous day by the representative of the World Confederation of Labour. The lies told by that speaker exceeded all the limits of decency. He had been flabbergasted to hear Morocco described as a colonial Power in Africa.

33. Since it appeared that the representative had based her comments on the report of the Expert on Equatorial Guinea (E/CN.4/1992/51) he had carefully examined that report. However, it included no reference to what the representative of the World Confederation of Labour had asserted in such an irresponsible way. He therefore rejected those allegations, which had no foundation whatever.

34. Morocco enjoyed excellent relations with a number of African countries, including Equatorial Guinea, with which it maintained diversified cooperation in the fields of health, education and training of key personnel, with scrupulous respect for the country's sovereignty.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (E/CN.4/1992/38)

35. Mr. HELLER (Mexico) said that the upsurge in racism and xenophobia, together with political, economic, demographic and environmental pressures constituted a tremendous challenge which the international community could meet only by strengthening multilateral cooperation. In recent years, a new dimension had been added to the phenomenon of migration, reflecting, not only the profound economic and social imbalance between North and South but also the economic crisis in the countries of Eastern and Central Europe, which had given rise to new flows of migrants.

36. In many host countries, the human rights situation of such migrant workers left much to be desired. In view of that situation, every member of the international community, whatever its domestic attitude to migration, had a responsibility to protect the rights of migrant workers and their families.

37. The adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, after 10 years of complex and difficult negotiations, was a significant step forward by the United Nations in combating discrimination and promoting human dignity. The Convention responded to the need to recognize the special circumstances of millions of human beings who, for various reasons, were forced to abandon their countries of origin in search of better living conditions. Its text, which reflected a spirit of compromise, represented the first international attempt to codify in a single instrument the rights of migrant workers and their families.

38. Looking towards the future, he hoped that the Convention would encourage more specific agreements and provide an important reference framework for greater international cooperation at the multilateral, regional and bilateral levels. His delegation therefore urged all countries that had not yet done so to sign and ratify the Convention as soon as possible and called upon the non-governmental organizations to promote its ratification.

39. Mr. ILICAK (Observer for Turkey) said that emerging manifestations of xenophobia and racism raised serious concerns about the well-being of migrant workers and other alien populations. Turkey, whose citizens abroad constituted one of the largest national groups of migrant workers, attached great significance to the human rights of all migrant workers.

40. In Europe, the recent migration pressures from Eastern Europe and the former Soviet Union called for a new approach to the situation of migrant workers, particularly with regard to their mobility status in the European Community, within the framework of the Schengen Agreement and, more significantly, with the coming into force of the Single European Act. With the emergence of the new multicultural characteristics in their societies, host countries were currently faced with a historic responsibility for creating public awareness that would decisively discourage the discrimination that accompanied the recent xenophobic reaction to immigration across Europe.

41. In its resolution 1991/2, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having expressed concern that racism was increasing in a number of countries in North America and Europe, requested the Secretary-General to prepare, on the basis of replies received from Governments, specialized agencies and other intergovernmental organizations, and from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting, among others, migrant workers, together with the steps taken by Governments to combat those phenomena and the effects of such measures, and to submit the overview for consideration by the Sub-Commission at its forty-fourth session. His delegation, which fully shared those concerns and endorsed the appeals for action, regretted the fact that, in 1991, the NGOs had all failed to provide the Secretary-General with the necessary information.

42. In November 1991, his Government had requested almost 100 NGOs to inform it of their efforts in combating racism and their potential contribution to the study of the Secretary-General. Replies had been received from only two of them and it was also disheartening to note that, during the debate on agenda item 14, virtually none of the NGOs in question had come up with any assessment, complaints or information on the subject.

43. At a time when the number of racially motivated incidents in Western Europe was increasing at an alarming rate, it was difficult to explain the attitude of the NGOs, which preferred to concentrate on alleged human rights violations that occurred thousands of miles away. In a sense, migrant workers were neighbours of the members of Western NGOs which, like States, could afford to love those who were a safe distance away. There was nothing wrong with their concern about other violations, provided that they showed an equal concern for those persecuted by racist groups in their own countries. That was a moral imperative that emanated from the principle of the indivisibility of human rights. An examination of the deeper causes of their attitude led to some unpleasant conclusions.

44. He wondered whether the NGOs were trying to escape from their own reality, which was the spectre of racism resurfacing after 50 years, by diverting their attention to human rights violations in geographically remote lands and whether they acted in that way because they, too, were affected by racism. Possibly they sought to compensate for their lack of interest in racial discrimination against migrant workers of Turkish origin by supporting Kurdish separatism in the name of human rights and extended the racially degraded image of migrant workers to their countries of origin.

45. While it was, perhaps, understandable that NGOs did not criticize States which were earnestly trying to prevent racism, it was difficult to understand why they did not criticize racist groups, parties or publications. They seemed, in fact, to be trying to project on to others the ills of their own societies, which were inappropriate for their vocation, and striving to solve the problems of others instead.

46. Ms. FAUCHERE (World Confederation of Labour) said that the mass migrations of Europeans to North and South America in the nineteenth and early twentieth centuries had benefited both the countries of origin and the host countries. In the current era, however, the leaders of the industrialized

countries seemed to forget that their economies had benefited from the labour of foreigners, who had fled conflict, poverty and political violence in their home countries and had accepted, without complaint, unattractive jobs in deplorable working conditions which the native workers would not tolerate. Barriers to immigration had been erected, thereby giving rise to a sordid clandestine traffic in economic migrants and refugees.

47. States, in fact, debased the essence of humanitarian law by constantly introducing political considerations. Moreover, by describing refugees and migrants as profit-seeking, an image of the "enemy" was created, which enhanced many political careers. Reference to the smell of immigrants and to the ideas of birthright, invasion, and overpopulation also served to foster that negative image.

48. The situation of women immigrants was particularly alarming. They often worked under the most appalling conditions, at the lowest wages, and were subject to discrimination and harassment of all kinds, including physical and sexual assaults. Indeed, domestic servants were often kept as virtual prisoners, paid low wages and forbidden to contact their relatives or friends.

49. Another example of the exploitation of migrant workers was the situation of the estimated 2,000 household employees and chauffeurs of diplomats accredited to the United Nations Office at Geneva. In the absence of any collective labour agreement or individual employment contract, they were often forced to work long hours for very low wages. There was little recourse available to them, given their dependence on their current jobs if they wished to remain in Switzerland.

50. Her organization thus called upon all States to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

51. Mr. TARAN (Commission of the Churches on International Affairs (WCC)) said that discriminatory treatment of migrant workers had long been a vital humanitarian concern of the Christian churches, and the World Council of Churches wished to reiterate its support for the ratification and implementation of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Council was alarmed at the frightful rise in incidents of hostility and acts of violence against refugees and migrants, perpetrated not only by extremist groups but also sometimes by the authorities in the host country. Far too often, government officials said little, and did even less, to deter such attacks or to apprehend and punish those responsible.

52. In many countries, indeed, political groups and leaders were justifying, and indeed encouraging, such xenophobic hostility. The language used by some political organizations and by the press in some countries was highly discriminatory and racist, and contrary to the very notions of civilized behaviour. Such attitudes were to be encountered not only in Europe, but also in Africa, Asia, the Americas and the Middle East. Both Governments and non-governmental organizations must speak out clearly on the issue and take specific steps to counter the global trend towards increasing violence against migrants, refugees and other people "on the move".

53. The World Council of Churches was becoming increasingly convinced that much of the current international migration was involuntary, and was the direct result of environmental degradation and unsustainable development, such as inefficient land-use practices that caused desertification, soil erosion and salinity, and industrial processes contamination or accidents involving toxic materials. Far too many development projects had resulted in the marginalization of peoples. In other situations, the lack of viable economic options for employment or development had led to migration. Until those factors were addressed, people would continue to migrate across borders in large numbers, and would continue to face situations in which their basic human rights were jeopardized.

54. Churches worldwide had begun to address the fact that migrants were among those groups in society whose basic human rights had still not been acknowledged or respected. In a world of increasing human mobility, it had become absolutely necessary to develop international and domestic law to protect those who were compelled to leave their homelands or who migrated to seek employment elsewhere.

55. While the new International Convention established minimum human rights standards for the treatment of migrant workers and their families, the World Council of Churches was becoming increasingly concerned at the apparent reluctance of Governments to sign and ratify it, particularly at a time when the rights of migrants appeared to be increasingly threatened in many countries. It therefore asked the Commission to urge the Member States of the United Nations to pursue the process of ratifying and implementing the Convention without delay.

56. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that the phenomenon of the movement of populations to the industrialized countries and its social repercussions had become a favourite topic for neo-Fascist demagogues in the countries concerned, and one which could no longer be regarded as being of marginal significance. The phenomenon itself was likely to continue unabated, due to the anticipated labour shortage in Western Europe resulting from a decline in the birth rate. Even in Japan, unemployed workers from Iran and South-East Asia were being recruited to fill vacancies in the workforce.

57. The integration of migrant workers into the receiving country was hampered by many factors, some of them the result of irrational hostility on the part of the society in which they found themselves - a society which failed to take into account their valuable contribution to the economy and instead blamed them for a variety of social ills, ranging from drug addiction and the crisis in the educational system to the spread of AIDS. At the same time, those propagating racism and xenophobia were able to take full advantage of the vacuum created by political apathy.

58. To counter that dangerous trend it was essential to expand the concept of citizenship to include everyone, both foreigners and nationals: that was the intention behind the new International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and it was a matter for regret that so few States had so far ratified it and that its importance had received so little attention in the industrialized countries.

59. In another recent development, the Maastricht agreements signed by the States members of the European Community in December 1991 proposed to extend the right to vote to all nationals of the Community, wherever they resided: a provision which cruelly underscored the inferior civil status of the millions of migrant workers from Turkey, Africa, Sri Lanka, Pakistan and elsewhere outside Western Europe. Similarly, the agreements signed by six European Community countries at Schengen merely served to reinforce the deplorable impression that Europe was trying to turn itself into a kind of "fortress" by imposing restrictions on the entry of non-nationals of the Community. At the same time, it should be pointed out that the Council of Europe was reportedly drafting a text on the subject of migrant workers, which it was to be hoped would prove less illiberal.

60. In conclusion, he urged the Commission to call on the industrialized countries, particularly the member States of the European Community, to ratify and implement the Convention without delay, even if that instrument, despite its undoubted importance, could not of itself resolve all the difficult issues stemming from historical facts.

61. Ms. MILJKOVIC (World Association for World Federation), speaking on behalf of the World Serbian Community, said that her organization was seriously concerned by the disregard for the strict application of international human rights instruments, and in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in view of the number of nationals of Serbia and Yugoslavia who were scattered throughout the world as migrant workers. The current ethnic conflict in Yugoslavia and the political positions adopted by certain Governments had led to various discriminatory measures against Serbian migrant workers, including measures preventing their free circulation, measures inhibiting the preservation of their culture, and measures which led to olitical and social segregation.

62. She drew the Commission's attention to article 39 of the Convention, concerning the free circulation of migrant workers, their families and their relatives. The introduction of visas for Yugoslav, and particularly Serbian, nationals had made it very difficult for migrant workers to obtain visas for their relatives. In the case of Switzerland, the measures taken by the authorities, and the severe criteria for obtaining a visa, had seriously hindered the circulation of 80,000 Serbian workers' families between their country of origin and their host country.

63. In view of the temporary-resident status that migrant workers and their families enjoyed, it was important to ensure favourable conditions for their possible return to their countries of origin and, in particular, to provide complementary schooling for their children which would enable them to reintegrate into the educational system of the country of origin at any time. The State of Yugoslavia had accordingly opened a large number of schools for its migrant workers, but recent events had resulted in a blockade of that system for political reasons in various countries, particularly Germany and Austria.

64. Cases were known of municipalities in those countries which had closed schools offering a single curriculum for all Yugoslav children, and certain schools had subsequently been allocated curricula deriving from the Republic of Croatia, thus preventing children from the Republics with different scholastic programmes from following lessons in their mother tongues, as was expressly provided under article 45, paragraph 4, of the Convention. Serbian children were thus being subjected to an enforced assimilation which was totally at variance with the Convention.

65. Vicious media campaigns and certain governmental decisions had led to a number of cases of political segregation whose victims were migrant workers of Serbian origin. Difficulties had been experienced in establishing patriotic clubs, Serbian cultural associations had been closed down, and contracts for workers of Serbian origin in Austria and Germany had been terminated. Her organization would shortly be communicating to the Commission complaints of a similar kind relating to Sweden.

66. It would also address to the Commission its comments on the proposals of the Australian Government regarding pension rights, which had been radically reduced in the case of widows leaving the territory of Australia and which affected a large number of widows of Serbian origin.

67. All measures contrary to the spirit of the Convention should be denounced by the international community. Free circulation of migrant workers within the European Community must be permitted, since it was complementary to the concept of a common European destiny.

68. Ms. OLGUIN (International Indian Treaty Council) said that it was regrettable that, 14 months after its adoption, only 2 States had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

69. Referring specifically to the situation of the indigenous Chicano and Mexicano population in the United States, she said that the estimated 2 million "migrant" workers within the borders of lands claimed by the United States constituted almost one eighth of the total Chicano-Mexicano population. Although the United States purported to represent the democratic ideal, the conditions to which migrant workers were exposed in that country were extremely abhorrent, particularly in Arizona and Florida, where they resembled those to which slaves were subjected in the eighteenth century.

70. The Convention provided no substantive protection or recourse for migrant workers when the countries which benefited most from their labour refused to ratify or respect their obligations under international human rights instruments. That attitude was especially hypocritical, when the receiving countries relied on such workers to take jobs which their own nationals, despite rising unemployment, would refuse.

71. Illegal and cruel practices reminiscent of the slave trade were a current reality for the many migrant workers who were smuggled into the United States and other countries, for fees sometimes amounting to hundreds of dollars per person, and who were then auctioned to the highest bidder. In many cases,

the workers were not even aware that their "sale price" was deducted from their wages: in other words, they were obliged to pay for their own sale into slavery. They were also subjected to continuous violations of their human rights when confronted by the illegal border between Mexico and the United States, which encroached upon the rights recognized by treaty of indigenous peoples to cross those borders freely and without hindrance.

72. Workers and their families were often employed and housed in conditions no better than those of a labour camp, with locked gates to prevent their free movement or escape; living conditions for those who did not reside in company-owned camps were, however, no better. Many workers were also exposed to pesticides and fungicides without being informed of the toxic contaminants and carcinogens they contained. They often lacked protective clothing, or access to medical insurance and compensation for injury.

73. It was deplorable and shameful that people should work so hard for so little, and that the United States offered no protection for those responsible for putting the food on the nation's table. The estimated rate of unemployment in Mexico was 40 per cent, so that many Mexicanos were forced to seek work north of the border, becoming economic hostages in the process.

74. Her organization considered that the free-trade agreement currently being negotiated between Mexico, Canada and the United States would exacerbate the plight of the migrant workforce. In the light of the United States previous record in honouring its treaty obligations, there could be no expectation that the agreement would provide protective measures consistent with international human rights norms.

75. The International Indian Treaty Council urged the Commission to adopt a resolution calling upon all countries to ratify the Convention before the Commission's next session. The Commission should also, with the cooperation of the Centre for Human Rights, prepare documentation on atrocities committed against migrant workers and suggest means by which the Convention might be implemented.

76. In conclusion, she wished to point out that her organization had never received any communication from the Government of Turkey regarding an invitation to enter into a dialogue on the situation of migrant workers and their families.

77. Mr. LEMINE (Mauritania), speaking on behalf of the Arab Maghreb Union and its member States, said that migratory movements had always existed but never before on the scale the world was currently experiencing. The situation of migrant workers was indeed complex and fully deserved the attention accorded it by the United Nations system over the previous two decades.

78. Migrant workers, forced to leave their countries for economic reasons, had to experience racism, xenophobia and the feeling of being uprooted. In view of those problems, the international community should welcome the adoption of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, even though it had yet to be ratified by any State.

79. The Maghreb States, as sender countries, had entered into bilateral contact with the receiver countries on the subject of migrant workers but there was also a need for multilateral cooperation, which should recognize the contribution of migrant workers to the prosperity and well-being of the host countries.

80. Mr. ALPTEKIN (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that the human rights of migrant workers was an issue of special concern to the Commission because of the rising incidence of racism, in particular in European countries, against migrant workers and so-called guest workers. It was a trend which had found expression in the platforms of right-wing political parties throughout Europe.

81. Of particular concern was the position of migrant workers and immigrants of the Islamic faith, since prejudice had been building up against Muslims in general, particularly since the Gulf conflict. Muslim workers in European countries were increasingly being treated as unwanted trespassers. Their efforts to maintain their own cultural and religious identity was often criticized and sometimes even regarded as a threat to the established dominant culture.

82. It should not be forgotten, however, that migrant workers were, in some situations, used by Governments for their own economic or political ends. The Commission should also examine the rights of those workers. The Chinese Government, for example, sent workers abroad but kept a large proportion of those workers' salaries for its own benefit. Those migrant workers were therefore exploited by their own Government.

83. The Government of China also sent workers, both semi-skilled and unskilled, to Inner Mongolia, East Turkestan and Tibet in an effort to change the demographic composition of those territories and to assimilate their indigenous populations. The victims in that situation were not primarily the migrant workers themselves but rather the indigenous population whose identity and very survival as a people was being threatened by China's population transfer policy. Prejudice and discrimination against Muslims in those territories was considerable. Since the Chinese army and Government had taken control, mosques had been destroyed, precious manuscripts desecrated and people persecuted for their beliefs. The Chinese migrant workers and settlers were not themselves to blame, it was the Chinese Government which should be held responsible.

84. The Commission should address the human rights situation of all migrant workers, wherever in the world they might be, but should also look at the violations of human rights which resulted from government policies which actively promoted the movement of workers away from their homes. In so doing, the rights of all the people affected by those policies should be considered. The Commission should in particular scrutinize the situation in Tibet since the situation there was representative of that in other Chinese-controlled regions.

victims of a war which had been fought in defence of human rights but which appeared, in the cold light of its morrow, to have been remarkably selective in its effects.

91. Ms. de ASIS (Third World Movement Against the Exploitation of Women) said that, while the problems faced by migrant women could not be isolated from the problems facing all migrant workers, it was nevertheless true that their situation was considerably harder than that of men. They were living in a male-dominated industrial society and came from societies where man was the absolute master. They were alienated, exploited and oppressed in many ways. As migrants, they shared the conditions suffered by all migrant workers. As the wives of migrant workers, they had in most cases been obliged to leave their homes and follow their husbands. As women workers, they worked for the lowest wages in the hardest and most exhausting conditions and were subject to discrimination and pettiness of all kinds. As foreign women, they had to be the guardians and defenders of the traditions of their own countries while going through the cultural shock of adapting to new ways of life. As mothers, their traditional role was to transmit the language, customs and religion of their country to their children, while the children attended school where only the values, language and way of life of the receiving country were taught. Lastly, as women, they were vulnerable to sexual abuse and rape.

92. Many women migrant workers were working abroad in order to earn enough for their families. The money that they sent home contributed to their country's capital accumulation and, in the case of the Philippines, to debt-servicing. At the same time the labour that they provided in the receiving countries was necessary for the functioning of those countries, which were primarily the industrialized ones. The illegal status of many women migrants, as workers without permits, made those women more vulnerable to State control and punishment, on the one hand, and kept them inferior to local workers, on the other. Treated as criminals, they could not rely on justice or legal protection.

93. A specific example of that situation concerned the women migrant workers in Kuwait. One year after the liberation, hundreds of foreign workers were being beaten and raped by their Kuwaiti employers. Hundreds of women had been forced to take refuge in their embassies. According to news reports, Kuwaiti officials angrily denied that the women had been abused and the Interior Minister of Kuwait had reportedly stated that only Kuwaitis under the Constitution, had the right to criticize that country.

94. That was just one example and only the tip of the iceberg. Women migrant workers all over the world suffered, in varying degrees, from harsh conditions of work, sexual abuse, discrimination and injustice. There was an urgent need for policy changes with regard to the treatment of migrant workers in accordance with the Universal Declaration of Human Rights.

95. The Third World Movement Against the Exploitation of Women welcomed the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and urged the members of the Commission, and all other States, to ratify it.

The meeting rose at 12.45 p.m.